

**Spill Prevention Control and Countermeasure Inspection
Findings, Alleged Violations, and Proposed Penalty Form**

(Note: Do not use this form if there is no secondary containment)

These Findings, Alleged Violations and Penalties are issued by EPA Region 6 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

Company Name		Docket Number:	
Nadel and Gussman, LLC		CWA-06-2014-4328	
Facility Name		Date	
Gilliland Tank Battery		7/1/2014	
Address		Inspection Number	
3200 First Place Tower, 15 East 5th Street		FY-INSP-SPCC-OK-2014-00074	
City:		Inspectors Name:	
Tulsa		Tom McKay	
State:	Zip Code:	EPA Approving Official:	
OK	74103	Donald P. Smith	
Contact:		Enforcement Contacts:	
Mr. Nathan W. Chancler (918) 863-3333		Misty Ward (214)665-6418	



Summary of Findings

(Onshore Oil Production Facilities)

GENERAL TOPICS: 112.3(a),(d),(e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)

(When the SPCC Plan review penalty exceeds \$1,500.00 enter only the maximum allowable of \$1,500.00.)

- | | |
|---|------------|
| <input type="checkbox"/> No Spill Prevention Control and Countermeasure Plan- 112.3..... | \$1,500.00 |
| <input type="checkbox"/> Plan not certified by a professional engineer- 112.3(d) | 450.00 |
| <input type="checkbox"/> Certification lacks one or more required elements- 112.3(d)(1) | 100.00 |
| <input type="checkbox"/> No management approval of plan- 112.7..... | 450.00 |
| <input type="checkbox"/> Plan not maintained on site (if facility is manned at least 4 hrs/day) or not available for review- 112.3(e)(1) | 300.00 |
| <input type="checkbox"/> No evidence of five-year review of plan by owner/operator- 112.5(b)..... | 75.00 |
| <input type="checkbox"/> No plan amendment(s) if the facility has had a change in: design, construction, operation,
or maintenance which affects the facility's discharge potential- 112.5(a)..... | 75.00 |
| <input type="checkbox"/> Amendment(s) not certified by a professional engineer- 112.5(c)..... | 150.00 |

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<input type="checkbox"/>	Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7	150.00
<input type="checkbox"/>	Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7	75.00
<input type="checkbox"/>	Plan does not discuss alternative environmental protection to SPCC requirements- 112.7(a)(2)	200.00
<input checked="" type="checkbox"/>	Plan has inadequate or no facility diagram- 112.7(a)(3)	75.00
<input type="checkbox"/>	Inadequate or no listing of type of oil and storage capacity layout of containers- 112.7(a)(3)(i)	50.00
<input type="checkbox"/>	Inadequate or no discharge prevention measures- 112.7(a)(3)(ii)	50.00
<input type="checkbox"/>	Inadequate or no description of drainage controls- 112.7(a)(3)(iii)	50.00
<input type="checkbox"/>	Inadequate or no description of countermeasures for discharge discovery, response and cleanup- 112.7(a)(3)(iv)	50.00
<input type="checkbox"/>	Recovered materials not disposed of in accordance with legal requirements- 112.7(a)(3)(v)	50.00
<input type="checkbox"/>	No contact list & phone numbers for response & reporting discharges- 112.7(a)(3)(vi)	50.00
<input type="checkbox"/>	Plan has inadequate or no information and procedures for reporting a discharge- 112.7(a)(4)	100.00
<input type="checkbox"/>	Plan has inadequate or no description and procedures to use when a discharge may occur- 112.7(a)(5)	150.00
<input type="checkbox"/>	Inadequate or no prediction of equipment failure which could result in discharges- 112.7(b)	150.00
<input checked="" type="checkbox"/>	Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- (including truck transfer areas) 112.7(c)	400.00

- If claiming impracticability of appropriate containment/diversionary structures:

<input type="checkbox"/>	Impracticability has not been clearly denoted and demonstrated in plan- 112.7(d)	100.00
<input type="checkbox"/>	No contingency plan- 112.7(d)(1)	150.00
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials- 112.7(d)(2)	150.00
<input type="checkbox"/>	No periodic integrity and leak testing, if impracticability is claimed - 112.7(d)	150.00
<input checked="" type="checkbox"/>	Plan has no or inadequate discussion of general requirements not already specified- 112.7(a)(1)	75.00

QUALIFIED FACILITY REQUIREMENTS: 112.6

<input type="checkbox"/>	Qualified Facility: No Self certification- 112.6(a)	450.00
<input type="checkbox"/>	Qualified Facility: Self certification lacks required elements- 112.6(a)	100.00
<input type="checkbox"/>	Qualified Facility: Technical amendments not certified- 112.6(b)	150.00
<input type="checkbox"/>	Qualified Facility: Un-allowed deviations from requirements- 112.6(c)	100.00
<input type="checkbox"/>	Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112.6(d)	350.00

- ☐ The Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - 112.7(e) 75.00
- ☐ Inspections and tests required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility- 112.7(e) 75.00
- ☐ No Inspection records were available for review - 112.7(e) 200.00

Written procedures and/or a record of inspections and/or customary business records:

- ☐ Are not signed by appropriate supervisor or inspector- 112.7(e) 75.00
- ☐ Are not maintained for three years- 112.7(e) 75.00

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- ☐ No training on the operation and maintenance of equipment to prevent discharges- 112.7(f)(1) 75.00
- ☐ No training on discharge procedure protocols- 112.7(f)(1) 75.00
- ☐ No training on the applicable pollution control laws, rules, and regulations- 112.7(f)(1) 75.00
- ☐ Training records not maintained for three years- 112.7(f) 75.00
- ☐ No training on the contents of the SPCC Plan- 112.7(f)(1) 75.00
- ☐ No designated person accountable for spill prevention- 112.7(f)(2) 75.00
- ☐ Spill prevention briefings are not scheduled and conducted periodically- 112.7(f)(3) 75.00
- ☐ Plan has inadequate or no discussion of personnel and spill prevention procedures- 112.7(f) 75.00

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)

- ☐ Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112.7(c) 400.00
- ☐ Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1) 750.00
- ☐ Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck- 112.7(h)(1) 450.00
- ☐ There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines- 112.7(h)(2) 300.00
- ☐ There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck- 112.7(h)(3) 150.00
- ☐ Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack -112.7(j) 75.00

<input type="checkbox"/>	Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure d/or a discharge- 112.7(k)(2)(i).....	150.00
<input type="checkbox"/>	Failure to provide an oil spill contingency plan- 112.7(k)(2)(ii)(A).....	150.00
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials- 112.7(k)(2)(ii)(B).....	150.00

OIL PRODUCTION FACILITY DRAINAGE 112.9(b)

<input type="checkbox"/>	Drains for the secondary containment systems at tank batteries and separation and central treating areas are not closed and sealed at all times except when uncontaminated rainwater is being drained- 112.9(b)(1).....	600.00
<input type="checkbox"/>	Prior to drainage of diked areas, rainwater is not inspected, valves opened and resealed under responsible supervision and records kept of such events- 112.9(b)(1).....	450.00
<input type="checkbox"/>	Accumulated oil on the rainwater is not removed and returned to storage or disposed of in accordance with legally approved methods- 112.9(b)(1).....	300.00
<input type="checkbox"/>	Field drainage system (drainage ditches and road ditches), oil traps, sumps and/or skimmers are not regularly inspected and/or oil is not promptly removed- 112.9(b)(2).....	300.00
<input type="checkbox"/>	Inadequate or no records maintained for drainage events- 112.7.....	75.00
<input type="checkbox"/>	Plan has inadequate or no discussion or procedures for facility drainages- 112.7(a)(1).....	75.00

OIL PRODUCTION FACILITY BULK STORAGE CONTAINERS 112.9(c)

<input type="checkbox"/>	Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i).....	75.00
<input type="checkbox"/>	Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i).....	300.00
<input type="checkbox"/>	Container material and construction are not compatible with the oil stored and the conditions of storage- 112.9(c)(1).....	450.00
<input type="checkbox"/>	Size of secondary containment appears to be inadequate for containers and treating facilities- 112.9(c)(2).....	750.00
<input type="checkbox"/>	Excessive vegetation which affects the integrity of the containment- 112.9(c)(2).....	150.00
<input type="checkbox"/>	Walls of containment system are slightly eroded or have low areas- 112.9(c)(2).....	300.00
<input type="checkbox"/>	Secondary containment materials are not sufficiently impervious to contain oil- 112.9(c)(2).....	375.00
<input type="checkbox"/>	Visual inspections of containers, foundation and supports are not conducted periodically for deterioration and maintenance needs- 112.9(c)(3).....	450.00

- ☐ Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112.9(c)(4) 450.00
- (1) Adequate tank capacity to prevent tank overflow- 112.9(c)(4)(i), or
 - (2) Overflow equalizing lines between the tanks- 112.9(c)(4)(ii), or
 - (3) Vacuum protection to prevent tank collapse- 112.9(c)(4)(iii), or
 - (4) High level alarms to generate and transmit an alarm signal where facilities are part of a computer control system- 112.9(c)(4)(iv).
- ☐ Plan has inadequate or no discussion of bulk storage tanks- 112.7(a)(1) 75.00

FACILITY TRANSFER OPERATIONS, OIL PRODUCTION FACILITY 112.9(D)

- ☐ Above ground valves and pipelines are not examined periodically on a scheduled basis for general condition (includes items, such as: flange joints, valve glands 2nd bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods/stuffing box.)- 112.9(d)(1) 450.00
- ☐ Brine and saltwater disposal facilities are not examined often- 112.9(d)(2) 450.00
- ☐ Inadequate or no flowline maintenance program (includes: examination, corrosion protection, flowline replacement)- 112.9(d)(3) 450.00
- ☐ Plan has inadequate or no discussion of oil production facilities- 112.7(a)(1) 75.00
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- ☐ Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part- 112.20(e) 150.00
(Do not use this if FRP subject, go to traditional enforcement)

TOTAL \$550.00

CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing "Consent Agreement and Final Order," issued pursuant to 40 C.F.R. 22.13(b), was filed on 8-25, 2014, with the Regional Hearing Clerk, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733; and that on the same date a copy of the same was sent to the following, in the manner specified below:

NAME: Nathan W. Chanler
ADDRESS: 3200 First Place Tower, 15 East 5th Street
Tulsa, OK 74103

Frankie Markham
Frankie Markham
OPA Enforcement Administrative Assistant